



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

August 3, 2021

**MEMO ENDORSED**

**By ECF**

Hon. Barbara Moses  
United States Magistrate Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/5/21
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Re: *Rodriguez v. United States et al.*, No. 20 Civ. 10619 (LTS) (BCM)

Dear Judge Moses:

This Office represents the United States of America, the defendant in this car accident case brought pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671 *et seq.* With Plaintiff's consent, I write respectfully to request a stay of discovery in this matter, due to the filing of a related case arising out of the same car accident as the one at issue here, *Gayle et al. v. United States*, No. 21 Civ. 1166 (LTS) (BCM).

This case, which was filed on December 16, 2020, arises out of a motor-vehicle collision that occurred on September 23, 2019, between a United States Postal Service vehicle and a private vehicle driven by Plaintiff Sean Rodriguez. On February 9, 2021, Trevor Gayle and Shariff Landsmark, who were passengers in Rodriguez's vehicle at the time of the collision, filed a separate action against the United States alleging that they suffered injuries as a result of the same collision. The United States Attorney's Office was served in *Gayle* on May 27, 2021, and the United States answered the complaint on July 26, 2021. The United States also filed a third-party complaint in *Gayle* against Sean Rodriguez, the Plaintiff in this action. Also on July 26, 2021, *Gayle* was accepted by the Court as related to the present action. On July 29, 2021, this Court entered an order adjourning *sine die* the conference previously scheduled in this case for August 16, 2021, which notified the parties that a joint conference would be scheduled after all defendants have answered in *Gayle*.

Before this action and *Gayle* were deemed related, a discovery schedule was set in this case. Currently, fact discovery is set to end on October 1, 2021. However, given the near identity of issues between this case and *Gayle*, there will be substantial overlap between the witnesses deposed and documents exchanged. The Government therefore believes that it would be most efficient for discovery to proceed in tandem in the two cases.

Accordingly, the Government respectfully requests that discovery be stayed in this case, and that a new discovery schedule be set at the joint conference held by the Court after all defendants have answered in *Gayle*. Plaintiff consents to the Government's request to stay discovery.

We thank the Court for its consideration of this matter.

Application GRANTED. SO ORDERED.



Barbara Moses  
United States Magistrate Judge  
August 5, 2021

Respectfully submitted,

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United States Attorney for the  
Southern District of New York

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